

PROVINCE OF SASKATCHEWAN



10-11

ANNUAL REPORT

**MINISTRY OF JUSTICE AND
ATTORNEY GENERAL**

Freedom of Information
and Protection of Privacy



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www.justice.gov.sk.ca

Letter of Transmittal



His Honour the Honourable Dr. Gordon L. Barnhart
Lieutenant Governor of Saskatchewan

May it Please Your Honour:

In accordance with section 63(1) of *The Freedom of Information and Protection of Privacy Act*, I have the pleasure to transmit to your Honour the 2010-11 annual report of the administration of this Act and the Regulations within each government institution during the period April 1, 2010, to March 31, 2011.

Respectfully submitted,

A handwritten signature in dark ink, reading "Don Morgan".

Don Morgan, Q.C.
Minister of Justice and Attorney General

Governing Legislation

The Freedom of Information and Protection of Privacy Act

The Act has two main purposes:

- It provides a right of access to records in the possession or control of provincial government institutions; and
- It establishes protection of privacy rules specifying how the government collects, uses and discloses personal information.

The Act applies to records maintained in written, photographic, audiovisual, computer generated and other formats.

Government Institutions

The Act applies to all ministries, secretariates and similar agencies of the executive government of Saskatchewan. The Regulations extend that coverage to a broad range of Crown corporations, boards, commissions and others prescribed as government institutions.

The Act applies individually to each government institution. The head of the government institution, as defined in the Act, is responsible for many decisions under the Act, including responding to applications for access. Under section 60 of the Act, the head may delegate the powers to one or more officers of the government institution.

Access to Records

The Act gives individuals the right of access to records of Saskatchewan government institutions. The Act sets out the rules that govern the process, including:

- How a government institution must respond;
- The collection of fees to prepare the records for response, including when to provide a cost estimate and when the head may waive those fees;
- Setting a 30-day time limit for a response (which may be extended in accordance with the Act);
- Identifying reasons for which access to all or part of a record may be denied; and
- The right of the applicant to request a review by the Information and Privacy Commissioner in certain circumstances.

Privacy

The Freedom of Information and Protection of Privacy Act establishes rules for the collection, use and disclosure of personal information by the Government of Saskatchewan and its agencies, thus helping to protect individual privacy.

Government institutions are individually responsible for protecting the privacy of personal information in their possession or control.

Ministry of Justice and Attorney General

Role of Ministry of Justice and Attorney General

The Ministry of Justice and Attorney General provides direction and support to government institutions and to the public as it relates to *The Freedom of Information and Protection of Privacy Act*. The Ministry:

- Provides legal advice to government;
- Provides a leadership role within government on access and privacy issues, including the collection of statistical information related to access to information requests and the preparation of this annual report;
- Prepares and maintains access and privacy tools, such as guidelines, checklists and administrative procedures;
- Provides or supports training and awareness regarding access and privacy; and
- Maintains a website (www.justice.gov.sk.ca/accessandprivacy) providing information to the public, government institutions and local authorities to help with understanding both the access to information and the privacy components of the legislation.

Significant Activities in 2010-11

- The Honourable Brad Wall, Premier of Saskatchewan, sent a message to all government employees emphasizing the importance of access and privacy laws. (www.justice.gov.sk.ca/PSAM);
- September 2010 saw the first Privacy and Security Awareness Month for government, raising awareness of access and privacy laws, security of information and records management. Post-event evaluation suggests that a significant majority of government employees participated in or were exposed to messages about privacy, security, access to information and records management during the month. For more information, see: www.justice.gov.sk.ca/psamonth2010;
- Also in September, the Access and Privacy Branch of the Ministry of Justice and Attorney General hosted a successful conference - Making Connections: Saskatchewan Access, Privacy, Security & Records Management Forum 2010. Over 275 participants from government, local authorities, the health sector and the public attended workshops and sessions delivered by experts from across Canada;
- In December 2010, the Access and Privacy Branch launched a new on-line training course – In the Door, Out the Door: A How-to Process an Access to Information Request Course, adding to two existing courses providing access and privacy training to employees of government and local authorities. (www.justice.gov.sk.ca/A-P-OT); and
- The Access and Privacy Branch continued to host a regular Access and Privacy Forum for government officials to improve knowledge of the law and consistency of practice; continued to respond to requests for assistance from government, local authorities and the public to help with understanding and compliance with access and privacy matters; delivered training sessions, and continued with the development of standardized guidelines and interpretive materials to improve understanding and compliance with the law.

Reports

The Ministry of Justice and Attorney General collects and reports statistical information regarding the exercise of and compliance with access rights under the Act. These reports provide statistical information both by individual government institutions and by the total provincial government administration.

The statistical reports are in the Appendix and include:

Table A - Freedom of Information Statistical Summary Report

- Table A provides an overview of access to information requests processed by all government institutions. It includes the total number of applications received by government, the status of the applications, the processing time to complete the applications, the fees estimated and fees collected to process requests for the fiscal years 2006-07 through 2010-11.

Table B - Exemptions Used to Deny Access

- Table B presents a statistical summary of the exemptions applied to deny access for the fiscal years 2006-07 through 2010-11. These statistics are presented by mandatory exemptions, discretionary exemptions and other.

Table C - Freedom of Information Statistics by Institution - Applications for General Information

- Table C is a statistical report showing the number of general information requests received by each government institution, the action taken on those requests and the fees estimated and collected. If an institution is not listed, it did not receive any general information requests during the 2010-11 fiscal year.
- Applications for general information are requests for records in the possession or under the control of a government institution other than those described as personal information in section 24 of the Act.

Table D - Freedom of Information Statistics by Institution - Applications for Personal Information

- Table D shows the number of personal information requests received by each institution, the action taken on those requests and the fees estimated and collected. If a government institution is not listed, it did not receive any personal information requests during the 2010-11 fiscal year.
- Applications for personal information are requests for records in the possession or under the control of a government institution described in section 24 of the Act.

Analysis

Number of Access to Information Requests Processed

In 2010-11, provincial government institutions processed a total of 1470 access to information requests – 785 requests for personal information and 685 for general information. This is a substantial increase over the 833 processed in 2009-10 and the previous four-year average of 588.

In 2010-11, the number of requests for general information rose 23 per cent over 2009-10, while the number of requests for personal information rose 185 per cent.

Figure 1 shows the number of requests processed by government institutions in each of the past five fiscal years.

Number of access to information requests processed 2006-07 to 2010-11

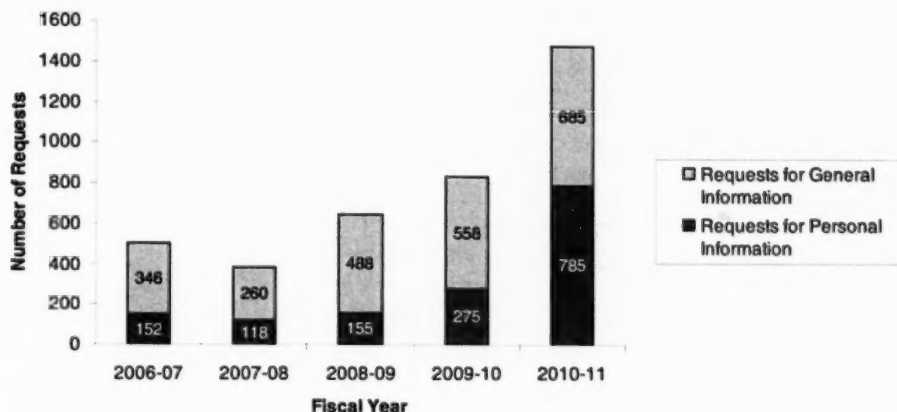


Figure 1

See Tables A, C and D in the Appendix for more details.

Access Request Processing Times

The Freedom of Information and Protection of Privacy Act provides a 30 calendar-day time period for responding to access requests. There are provisions in the Act to extend the response time up to an additional 30 days in limited circumstances (outlined in section 12 of the Act).

On average, in the fiscal years 2006-07 to 2010-11, provincial government institutions have responded to access requests within 30 calendar days 80 per cent of the time.

When combined with the allowable extension of 30 calendar-days under section 12 of the Act, the average response rate rose to 95 per cent over this same five-year period.

In 2010-11, government institutions responded within 30 days 80 per cent of the time and within 60 days 93 per cent of the time, just under the five-year average.

Access request processing times (personal and general) 2006-07 to 2010-11

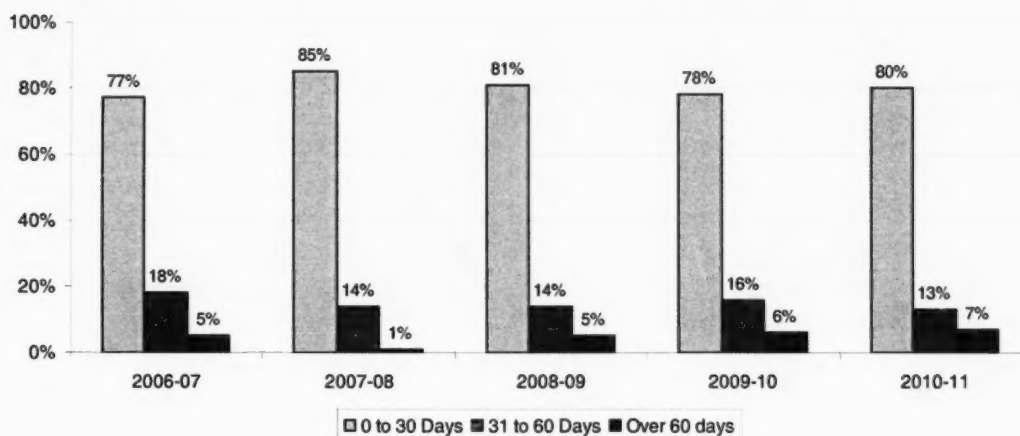


Figure 2

See Table A in the Appendix for more details.

Application Outcomes – General Information Requests

Table A, in the Appendix, shows the status of applications received by government institutions, including: if access to the record was granted, denied or partially granted; if the Act was not required for access; if the record did not exist; or if the record could not be found.

The following chart shows application outcomes for access to information requests for general information. This includes results for the 2010-11 fiscal year and the average of the four previous fiscal years (2006-07 through 2009-10).

In 2010-11, 41 per cent of requests for general information were fully granted. This is an increase from 2009-10 (37 per cent) and is below the four-year average of 45 per cent.

The number of access requests fully denied in 2010-11 was 6 per cent, below the previous four-year average of 11 per cent.

The number of access requests for general information that were partially granted was 14 per cent, down from the four-year average of 19 per cent.

The number of access requests for general information where the records did not exist rose from the previous four-year average of 22 per cent to 37 per cent in 2010-11.

Application outcomes (general requests) 2010-11 compared to four-year average (2006-07 to 2009-10)

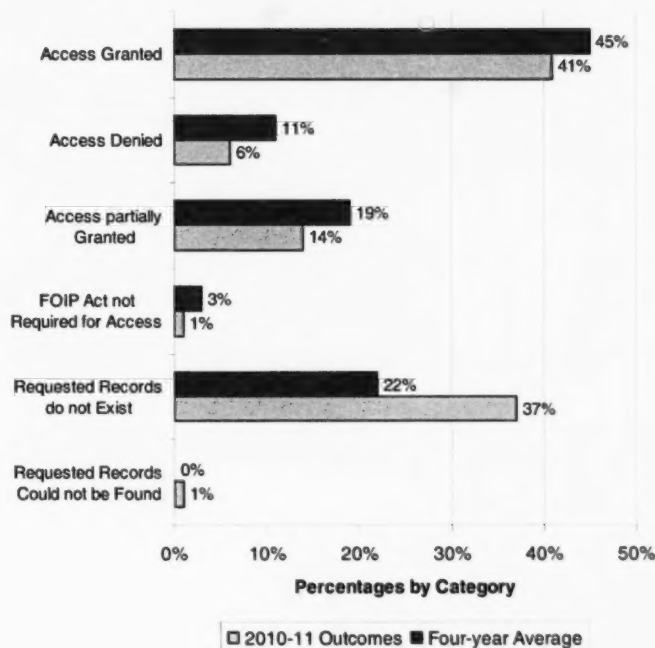


Figure 3

See Tables A and C in the Appendix for more details.

Application Outcomes – Personal Information Requests

Figure 4, below, shows the outcomes for access to information requests for personal information. This includes the results for the 2010-11 fiscal year and the average of the four previous fiscal years (2006-07 through 2009-10).

In 2010-11, 29 per cent of access requests for personal information were fully granted. This is an increase from 2009-10 (16 per cent) and an increase from the previous four-year average of 26 per cent.

The number of access requests partially granted in 2010-11 was 24 per cent. This is a decrease from the four-year average of 40 per cent.

Finally, in the 2010-11 fiscal year, 2 per cent of requests for personal information were fully denied, a decrease from the four-year average of 13 per cent.

The number of access requests for personal information where the records did not exist rose from the previous four-year average of 15 per cent to 43 per cent in 2010-11.

Application outcomes (personal requests) 2010-11 compared to four-year average (2006-07 to 2009-10)

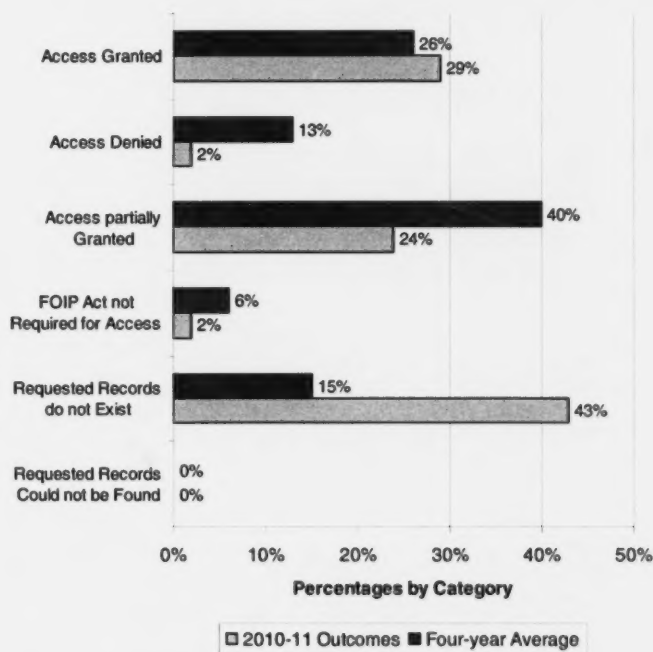


Figure 4

See Tables A and D in the Appendix for more details.

Appeals to the Information and Privacy Commissioner

Section 49 of *The Freedom of Information and Protection of Privacy Act* provides applicants with a right of review by the Information and Privacy Commissioner:

- Where an applicant is not satisfied with the decision of a head ...;
- Where a head fails to respond to an application for access to a record within the required time; or
- Where an applicant requests a correction of personal information ... and the correction is not made.

Section 33 of the Act provides the Information and Privacy Commissioner with the authority to conduct privacy investigations.

Further details on reviews and investigations can be found in the Information and Privacy Commissioner's Annual Report available at www.oipc.sk.ca.

For More Information

For more information about access to records and protection of privacy in the Government of Saskatchewan, visit:

www.justice.gov.sk.ca/accessandprivacy

Table A
Freedom of Information Statistical Summary Report
2006-07 to 2010-11

	2006-07 Fiscal Year		2007-08 Fiscal Year		2008-09 Fiscal Year		2009-10 Fiscal Year		2010-11 Fiscal Year	
	Personal	General	Personal	General	Personal	General	Personal	General	Personal	General
Applications Received	145	396	129	317	172	551	397	684	718	755
Plus: Applications Carried Forward From Last Year	27	41	14	44	14	30	16	50	154	80
Less: Applications Withdrawn	5	28	6	31	9	29	18	25	15	42
Less: Applications Carried Forward to Next Year	14	44	14	30	16	50	113	121	65	80
Less: Applications Transferred Pursuant to Section 11	1	19	5	40	6	14	7	30	7	28
Total Applications Processed	152	346	118	260	155	488	275	558	785	685
Applications Status										
Access Granted	37	179	37	119	51	226	43	209	225	284
Access Denied	17	33	12	38	10	42	70	63	13	43
Partially Granted	71	63	51	53	61	78	81	120	191	95
Do Not Require FOI for Access	9	6	3	7	11	22	20	6	15	4
Records Do Not Exist	15	62	15	43	22	119	61	158	341	252
Records Could Not Be Found	3	3	-	-	-	1	-	2	-	7
Totals	152	346	118	260	155	488	275	558	785	685
Processing Time of Applications Completed										
Processed Within 30 Days	107	274	108	213	135	386	214	433	639	539
Processed Within 31-60 Days	27	64	8	44	12	79	32	100	71	119
Processed In More than 60 Days	18	8	2	3	8	23	29	25	75	27
Totals	152	346	118	260	155	488	275	558	785	685
Total Fees Estimated	\$ 7,222	\$ 39,851	\$ 143,099	\$ 35,133	\$ 45,445	\$ 206,226	\$ 4,436	\$ 85,746	\$ 98	\$ 108,336
Total Fees Collected	\$ 45	\$ 944	\$ 296	\$ 1,828	\$ 101	\$ 99,917	\$ 75	\$ 3,720	\$ 134	\$ 6,213

The total fees estimated can vary significantly from the total fees collected. The total fees estimated is the cost assessed to process applications as determined by the fee structure outlined in the Regulations. The total fees collected refer to fees actually collected from the applicants. The applicant has several options in regard to the fees. The applicant can: modify the application in order to reduce the costs, request a waiver of the fees, or decide not to pay the fees and therefore not receive access to the records. The Regulations (Section 9) are very specific regarding the types of circumstances in which the Head can waive fees.

The number of personal information requests and the number of general information requests carried over from 2009-10 do not correspond directly to the number of requests received in each of those two categories in 2010-11. However, when the two categories are combined, the number of requests carried over are the same as the number received. Eighty-two access requests previously classified as general were reclassified as personal requests. A number of these were carried over into 2010-11.

Table B
Exemptions Used to Deny Access
2006-07 to 2010-11

		2006-07 Fiscal Year	2007-08 Fiscal Year	2008-09 Fiscal Year	2009-10 Fiscal Year	2010-11 Fiscal Year
Mandatory Exemptions	Section					
Records from Other Governments	13(1)	8	5	21	52	33
Cabinet Documents	16	15	11	31	82	49
Third Party Information	19	67	49	99	142	105
Confidentiality Provisions in Other Enactments	23	30	5	12	15	22
Disclosure of Personal Information	29	110	78	94	124	248
Personal Information of a Deceased Individual	30	2	0	0	0	0
Totals		232	148	257	415	457
Discretionary Exemptions	Section					
Records from Local Authorities	13(2)	1	3	5	9	3
Information Injurious to Intergovernmental Relations	14	1	3	7	20	7
Law Enforcement and Investigations	15	57	28	31	67	93
Advice from Officials	17	71	91	162	296	148
Economic and Other Interests	18	38	20	97	96	67
Testing Procedures, Tests and Audits	20	3	1	4	10	5
Danger to Health or Safety	21	13	12	8	6	4
Solicitor-Client Privilege	22	33	47	53	30	44
Individual's Access to Personal Information	31(2)	1	1	2	1	371
Totals		218	206	369	535	742
Other Exemptions	Section					
Not a Government Institution	2(1)d	0	0	2	1	3
Published Material or Public Record	3(1)a,b,c	7	9	25	29	16
Existing Rights Preserved	4	0	0	10	19	14
Right of Access Defined	5	0	0	0	3	0
Unable to Identify a Record	6(3)	0	0	2	0	1
Published Material or Material that is to be Published	7(2)b,c	0	0	2	2	2
Records Do Not Exist	7(2)e	87	55	155	294	605
Refuse to Confirm/Deny Records Exist	7(4)	1	0	0	0	1
Totals		95	64	196	348	642

The numbers in these columns indicate every time an exemption was used to deny access fully or in part. The exemption may be used several times in relation to an individual application and more than one exemption may be used for each application.

Table C
Freedom of Information Statistics by Institution - Applications for General Information
2010-11 Fiscal Year

Institution	Number Carried Forward From Previous Fiscal Year	Plus (+): Number Received	Less (-): Number Transferred	Less (-): Number Withdrawn	Less (-): Number Carried Forward To Next Fiscal Year	Total Number Processed	Access Granted	Access Denied	Access Partially Denied	FOI Not Required For Access	Records Do Not Exist	Records Could Not Be Found	Totals	Fees Estimated	Fees Collected
Advanced Education, Employment and Immigration	10	45	9	4	1	41	6	7	17	0	11	0	41	\$ 20,888.75	\$ 1,565.00
Agriculture	2	8	0	2	1	7	4	0	3	0	0	0	7	5,722.50	-
Automobile Injury Appeal Commission	0	4	0	0	0	4	1	1	1	0	1	0	4	-	-
Corrections, Public Safety and Policing	6	18	0	1	2	21	8	2	4	0	7	0	21	-	-
Crown Investments Corporation of Saskatchewan	2	11	0	0	0	13	6	0	3	0	4	0	13	-	-
Education	0	17	2	1	1	13	9	0	1	0	3	0	13	1,892.50	1,550.00
Energy and Resources	1	26	0	2	2	23	6	6	3	0	8	0	23	-	-
Enterprise Saskatchewan	2	9	0	1	0	10	3	2	4	0	1	0	10	20.25	20.25
Environment	16	250	1	17	11	237	100	1	3	0	127	6	237	2,675.00	1,960.50
Executive Council	1	68	2	0	12	55	3	1	2	0	49	0	55	-	-
Finance	2	12	4	2	2	6	0	2	2	0	2	0	6	24,096.25	195.00
First Nations and Metis Relations	1	4	0	1	1	3	3	0	0	0	0	0	3	900.00	-
Government Services	2	3	1	0	0	4	2	2	0	0	0	0	4	-	-
Health	8	49	1	3	8	45	24	1	15	0	4	1	45	740.00	-
Highway Traffic Board	0	0	0	0	0	0	0	0	0	0	0	0	0	-	-
Highways and Infrastructure	2	18	1	0	1	18	8	1	6	0	3	0	18	-	-
Information Services Corporation	0	4	0	0	0	4	3	1	0	0	0	0	4	-	-
Information Technology Office	0	1	0	0	0	1	1	0	0	0	0	0	1	-	-
Justice and Attorney General	9	16	6	0	3	16	5	6	1	0	4	0	16	-	-
Labour Relations and Workplace Safety	0	25	0	0	4	21	5	3	10	0	3	0	21	5,190.00	-
Meewasin Valley Authority	0	2	0	0	0	2	2	0	0	0	0	0	2	30.00	30.00
Milk Control Board	0	1	0	0	0	1	0	0	0	0	1	0	1	-	-
Minimum Wage Board	0	3	0	0	0	3	1	2	0	0	0	0	3	-	-
Municipal Affairs	1	4	0	0	0	5	3	0	1	0	1	0	5	-	-
Prairie Agricultural Machinery Institute	0	1	0	0	0	1	1	0	0	0	0	0	1	-	-
Provincial Secretary	0	1	0	0	0	1	1	0	0	0	0	0	1	-	-
Public Complaints Commission	0	1	0	0	1	0	0	0	0	0	0	0	0	-	-
Public Guardian and Trustee	0	1	0	0	0	1	0	1	0	0	0	0	1	-	-
Public Service Commission	0	6	0	0	2	4	2	0	1	0	1	0	4	-	-
Saskatchewan Apprenticeship and Trade Certification Commission	0	1	0	0	0	1	1	0	0	0	0	0	1	-	-
Saskatchewan Archives Board	0	4	0	0	0	4	2	0	0	2	0	0	4	-	-
Saskatchewan Arts Board	0	1	0	0	0	1	1	0	0	0	0	0	1	-	-

Table C
Freedom of Information Statistics by Institution - Applications for General Information
2010-11 Fiscal Year

Institution	Number Carried Forward From Previous Fiscal Year	Plus (+): Number Received	Less (-): Number Transferred	Less (-): Number Withdrawn	Less (-): Number Carried Forward To Next Fiscal Year	Total Number Processed	Access Granted	Access Denied	Access Partially Denied	FOI Not Required For Access	Records Do Not Exist	Records Could Not Be Found	Totals	Fees Estimated	Fees Collected
Saskatchewan Centre of the Arts	0	1	0	0	0	1	1	0	0	0	0	0	1	-	-
Saskatchewan Communications Network	0	2	0	0	0	2	1	0	1	0	0	0	2	-	-
Saskatchewan Crop Insurance Corporation	0	6	0	0	1	5	5	0	0	0	0	0	5	-	-
Saskatchewan Financial Services Commission	0	2	0	0	1	1	0	1	0	0	0	0	1	-	-
Saskatchewan Government Insurance	2	8	0	1	2	7	4	2	0	0	1	0	7	-	-
Saskatchewan Grain Car Corporation	0	1	0	0	0	1	0	0	0	0	1	0	1	-	-
Saskatchewan Housing Corporation	0	1	0	0	1	0	0	0	0	0	0	0	0	-	-
Saskatchewan Human Rights Commission	1	0	0	0	1	0	0	0	0	0	0	0	0	-	-
Saskatchewan Legal Aid Commission	0	2	0	0	0	2	2	0	0	0	0	0	2	-	-
Saskatchewan Liquor and Gaming Authority	0	18	0	0	4	14	12	1	0	0	1	0	14	34,560.00	-
Saskatchewan Municipal Board	0	1	0	0	0	1	0	0	0	0	1	0	1	-	-
Saskatchewan Opportunities Corporation	0	3	0	0	0	3	3	0	0	0	0	0	3	-	-
Saskatchewan Pension Plan	0	1	0	0	0	1	1	0	0	0	0	0	1	-	-
Saskatchewan Power Corporation	4	37	0	2	6	33	22	0	5	0	6	0	33	2,670.00	-
Saskatchewan Research Council	0	3	0	0	0	3	2	0	1	0	0	0	3	417.50	-
Saskatchewan Telecommunications	0	4	0	1	0	3	0	0	2	0	1	0	3	4,914.00	-
Saskatchewan Transportation Company	0	3	0	0	0	3	3	0	0	0	0	0	3	-	-
Saskatchewan Water Corporation	0	4	0	0	0	4	3	0	0	0	1	0	4	-	-
Saskatchewan Watershed Authority	1	4	0	0	1	4	2	0	0	0	2	0	4	-	-
SaskEnergy Incorporated	0	3	0	1	0	2	2	0	0	0	0	0	2	2,710.00	-
Social Services	2	24	0	0	10	16	2	0	6	2	6	0	16	909.25	892.26
Surface Rights Arbitration Board	0	1	0	0	0	1	0	0	0	0	1	0	1	-	-
Tourism, Parks, Culture and Sport	2	6	0	1	0	7	3	0	3	0	1	0	7	-	-
Wascana Centre Authority	3	1	0	2	1	1	1	0	0	0	0	0	1	-	-
Workers' Compensation Board	0	5	1	0	0	4	4	0	0	0	0	0	4	-	-
Totals	80	755	28	42	80	685	284	43	95	4	252	7	685	\$108,336.00	\$8,213.01

Table D
Freedom of Information Statistics by Institution - Applications for Personal Information
2010-11 Fiscal Year

Institution	Number Carried Forward From Previous Fiscal Year	Plus (+): Number Received	Less (-): Number Transferred	Less (-): Number Withdrawn	Less (-): Number Carried Forward To Next Fiscal Year	Total Number Processed	Access Granted	Access Denied	Access Partially Denied	FOI Not Required For Access	Records Do Not Exist	Records Could Not Be Found	Totals	Fees Estimated	Fees Collected
Advanced Education, Employment and Immigration	4	1	3	0	0	2	0	0	2	0	0	0	2	-	-
Agriculture	0	4	2	0	0	2	2	0	0	0	0	0	2	-	-
Corrections, Public Safety and Policing	83	428	0	3	7	501	26	7	144	0	324	0	501	-	-
Finance	0	1	0	0	0	1	0	0	1	0	0	0	1	-	-
First Nations and Metis Relations	0	2	0	0	0	2	2	0	0	0	0	0	2	-	-
Health	0	1	0	0	0	1	0	0	0	0	1	0	1	-	-
Justice and Attorney General	45	191	0	2	41	193	181	1	1	0	10	0	193	-	-
Labour Relations and Workplace Safety	0	2	0	0	0	2	0	0	2	0	0	0	2	-	-
Labour Relations Board	2	0	0	2	0	0	0	0	0	0	0	0	0	-	-
Public Complaints Commission	0	1	0	0	0	1	0	0	1	0	0	0	1	-	-
Public Service Commission	2	3	0	0	1	4	3	1	0	0	0	0	4	-	-
Saskatchewan Financial Services Commission	0	2	0	0	0	2	1	1	0	0	0	0	2	-	-
Saskatchewan Government Insurance	3	36	0	2	2	35	2	2	31	0	0	0	35	-	-
Saskatchewan Liquor and Gaming Authority	0	1	0	0	0	1	0	1	0	0	0	0	1	-	-
Saskatchewan Power Corporation	1	1	0	0	0	2	1	0	1	0	0	0	2	-	-
Social Services	8	42	2	0	14	34	7	0	8	13	6	0	34	\$97.75	\$133.75
Wascana Centre Authority	6	0	0	6	0	0	0	0	0	0	0	0	0	-	-
Workers' Compensation Board	0	2	0	0	0	2	0	0	0	2	0	0	2	-	-
Totals	154	718	7	15	65	785	225	13	191	15	341	0	785	\$97.75	\$133.75

